



## U.S. Department of Justice

## United States Attorney

The Honorable Philip M. Halpern  
 United States District Court  
 Southern District of New York  
 The Hon. Charles L. Brieant Jr.  
 Federal Building and United States Court  
 300 Quarropas Street  
 White Plains, New York 10601-4150

Application granted. The Court shall issue an Order excluding time under the Speedy Trial Act separately.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 23.

SO ORDERED.

Philip M. Halpern  
 United States District Judge

Dated: White Plains, New York  
 March 10, 2021

**Re: *United States v. Dumar Kindle, et al., 21 Cr. 153 (PMH)***

Dear Judge Halpern:

The Government respectfully writes regarding the schedule in the above-titled case. This matter was assigned to the Court earlier today. An initial pretrial conference is scheduled for March 31, 2021 at 10:00 a.m.

The Government respectfully requests, with the consent of defense counsel, that the Court exclude time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), from today through the date of the initial pretrial conference on March 31, 2021. The Government respectfully submits that an exclusion of time would serve the ends of justice and outweigh the best interests of the public and the defendants in a speedy trial because it would allow the Government to produce discovery and would allow defense counsel to review discovery and evaluate any potential motion practice. The proposed exclusion of time would also allow the Government and defense counsel to engage in discussions regarding a potential resolution of the matter without the need for trial.<sup>1</sup>

The Government respectfully encloses a proposed order excluding time for the Court's consideration.

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<sup>1</sup> On February 19, 2021, the Honorable Judith C. McCarthy, United States Magistrate Judge, issued an order directing a competency evaluation for defendant Ralph Mercado. (ECF No. 16.) Under 18 U.S.C. § 3161(h)(1)(A), Mercado's time under the Speedy Trial Act is automatically excluded as a period of delay resulting from a proceeding to determine mental competency.

The Honorable Philip M. Halpern  
United States District Judge

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Respectfully submitted,

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United States Attorney

by:   
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cc: Bruce Koffsky, Esq. (Counsel for Dumar Kindle)  
Howard Tanner, Esq. (Counsel for Jonatan Trimino)  
Stephen Lewis, Esq. (Counsel for Luis Velez)  
John Wallenstein, Esq. (Counsel for Ralph Mercado)